

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ROME DIVISION

FILED IN CLERK'S OFFICE

FEB 19 2004

By: *[Signature]* Clerk  
Deputy Clerk

IN RE: Tri-State Crematory Litigation

MDL Docket No. 1467

Carol A. Bechtel, et. al.,

Plaintiffs,

v.

Tri-State Crematory, Inc., et. al.,

Defendants.

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

CIVIL ACTION

FILE NO. 4:02-CV-041-HLM

**MARSH DEFENDANTS' THIRD AMENDMENT TO THE**  
**PRETRIAL ORDER**

COME NOW, the Marsh Defendants and file this third amendment to  
their portion of the pretrial order:

1.

Under Paragraph 17 of the pretrial order, the Marsh Defendants  
contend that the issues to be tried are as follows:

As to Clara Marsh, individually:

1. Whether Clara Marsh participated in any of Tri-State  
Crematory's alleged improper activities before 1997;

2. Whether Clara Marsh participated in any of Tri-State Crematory's alleged improper activities after 1996;
3. Whether Clara Marsh had any knowledge of any alleged improper activities of Tri-State Crematory before 1997;
4. Whether Clara Marsh had any knowledge of any alleged improper activities of Tri-State Crematory after 1996;
5. Whether Clara Marsh had or exercised control over the operation of the crematory at Tri-State before 1997;
6. Whether Clara Marsh had or exercised control over the operation of the crematory at Tri-State after 1996;
7. Whether it was if foreseeable by Clara Marsh that the alleged improper or criminal acts would occur in the operation of the crematory.

As to Clara Marsh, as the Administratrix of the Estate of Ray Marsh:

1. Whether Ray Marsh willfully interfered with remains and mishandled corpses prior to 1997;
2. Whether Ray Marsh willfully interfered with remains and mishandled corpses after 1996;
3. Whether Ray Marsh had knowledge of any alleged improper activities of Tri-State Crematory after 1996;

4. Whether Ray Marsh participated in any alleged improper activities of Tri-State Crematory after 1996;
5. Whether Ray Marsh negligently interfered with remains and mishandled corpses prior to 1997;
6. Whether Ray Marsh negligently interfered with remains and mishandled corpses after 1996;
7. Whether Ray Marsh had or exercised control over the operation of the crematory at Tri-State after 1996;
8. Whether it was if foreseeable by Ray Marsh that the alleged improper or criminal acts would occur in the operation of the crematory.

As to Brent Marsh:

1. Whether Brent Marsh willfully interfered with remains and mishandled corpses prior to 1997;
2. Whether Brent Marsh willfully interfered with remains and mishandled corpses after 1996;
3. Whether Brent Marsh participated in any alleged improper activities of Tri-State Crematory prior to 1997;
4. Whether Brent Marsh negligently interfered with remains and mishandled corpses prior to 1997;

5. Whether Brent Marsh negligently interfered with remains and mishandled corpses after 1997; and,
6. Whether Brent Marsh had or exercised control of the operation of the crematory at Tri-State after 1996.

2.

The Marsh Defendants add the following to their list of “may call” witnesses:

1. John Massey; and,
2. Carrie Anne Berryman.

3.

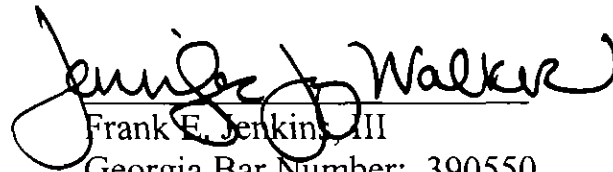
The Marsh Defendants add the following to their exhibit list:

1. Chart(s) comparing the number of bodies sent to Tri-State by the funeral homes for each year of the class period with the number of bodies recovered and identified.

This the 19<sup>th</sup> day of February, 2004.

Respectfully Submitted,

JENKINS & OLSON, P.C.

A handwritten signature in black ink, appearing to read "Jennifer Joy Walker". The signature is written over a horizontal line.

Frank E. Jenkins, III

Georgia Bar Number: 390550

Jennifer Joy Walker

Georgia Bar Number: 732263

15 South Public Square  
Cartersville, Georgia 30120  
(770) 387-1373

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a copy of the within and foregoing **Marsh Defendants' Third Amendment to the Pretrial Order** upon all parties to this matter by depositing a true copy of same in the United States Mail, proper postage prepaid, addressed to counsel of record as follows:

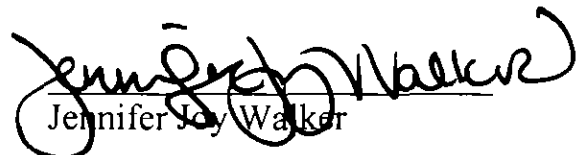
J. Anderson Davis  
Mark Maynard Jackson Webb  
Brinson Askew Berry Siegler  
Richardson & Davis  
Post Office Box 5513  
Rome, GA 30162-5513

Robert Harris Smalley, III  
McCamy Phillips Tuggle & Fordham  
Post Office Box 1105  
Dalton, Georgia 30720-1105

McCracken Poston  
Post Office Box 1130  
Ringgold, Georgia 30736

This the 19<sup>th</sup> day of February, 2004.

JENKINS & OLSON, P.C.

  
Jennifer Joy Walker

15 South Public Square  
Cartersville, Georgia 30120  
(770) 387-1373